

State of New-York.

No. 2.

IN SENATE, JAN. 16, 1856.

Annual Message of the Governor.

To the Senate and Assembly:

FELLOW CITIZENS:—In the discharge of the duty imposed on me by the constitution, I submit an account of the financial condition of the State, its various institutions and interests, together with such remarks, suggestions and recommendations as seem to me necessary and appropriate for your consideration.

The total amount charged upon the General Fund revenue, during the fiscal year ending the 30th of September, 1855, was \$1,788,636.73. The receipts (exclusive of a temporary loan to the treasury of \$187,000) were \$1,529,827.22, showing a deficiency of \$258,809.51, to which add that existing at the close of the previous fiscal year, \$279,054.38, and there is an actual deficiency in the revenue of the General Fund on the 30th of September, 1855, of \$537,863.89. Through the continued deficiency of the canal revenues, the General Fund has not, during the last fiscal year, received any part of the \$200,000 appropriated by the constitution, out of the surplus revenues of the canals, to the support of government. The debt of the General Fund at the close of the fiscal year was \$6,692,654.37.

The capital of the School Fund was \$2,457,520.86, being an increase of \$32,308.89 during the year. Its revenue amounted to \$143,127.73. The capital of the United States Deposit Fund was \$4,014,520.71, its revenue \$245,119.09. The capital of the Literature Fund was \$268,620.12, its revenue \$16,831.26. The amount

of the School and Gospel Fund of the Stockbridge Indians was \$18,000.

The amounts of the several Sinking Funds on the 30th day of September last for the redemption of the debts created by the loan of the credit of the State to various railroad companies, are as follows: Auburn and Rochester railroad, \$91,769.42; the Tonawanda railroad, \$33,638.35; the Long Island railroad, \$19,209.09; and the Tioga coal, iron mining and manufacturing company, \$1,460.27; in all, \$146,077.13.

The contingent debts of the State on account of the several railroad companies are as follows:

Auburn and Rochester,	-	-	-	-	-	\$200,000 00
Auburn and Syracuse,	-	-	-	-	-	200,000 00
Tonawanda,	-	-	-	-	-	100,000 00
Long Island,	-	-	-	-	-	100,000 00
Schenectady and Troy,	-	-	-	-	-	100,000 09
Tioga coal, &c.,	-	-	-	-	-	70,000 00
						<u>\$770,000 00</u>

From the report of the Comptroller which will soon be laid before you, you will not only gather specific details concerning the finances of the State, but also valuable suggestions in relation to their administration.

The receipts of the State canals from tolls, rent of surplus waters, and interest on current canal revenues during the past fiscal year, amounted to \$2,639,792.12, and the aggregate expenditures for collection, superintendence and repairs, amounted to the sum of \$989,792.12, leaving a surplus revenue of \$1,650,000, sufficient to meet the requisitions of the constitution for the Canal Debt Sinking Fund of \$1,300,000, and the General Fund Debt Sinking Fund of \$350,000, but not sufficient to meet any part of the other requirements of the constitution for interest on the late loans for the enlargement, and appropriations towards a Sinking Fund for the extinguishment of the principal of such loans. In anticipation of this deficiency, provision was made for such appropriations, or at

least a portion of them, out of the tax to be collected during the current fiscal year. I deemed it my duty at the last session of the Legislature, to call its attention, by special message, to the diminished revenues of the canals, and their insufficiency to meet the constitutional charges upon them. To the recommendations and suggestions of that message I have little to add. The causes which at that time had led to largely diminished receipts in the canal revenues, continued to operate in full force during the greater part of the remainder of that fiscal year. Some of these causes, such as the great scarcity of produce in the west, were of a temporary character.

Abundant harvests and increased productions in the west seeking an eastern market, have already happily influenced the receipts of the current fiscal year, and promise largely to augment its resources. The canal tolls for the navigable season of 1855 amounted to the sum of \$2,804,800, being about \$31,000 increase on the amount received in 1854. For the four months ending with the month of November, 1855, the excess of canal tolls over those of the corresponding months of 1854 was \$186,077.80. It is not probable, however, that the increased revenues of the current fiscal year will be sufficient to meet the constitutional charges upon them, increased as they have been during the present fiscal year by the additional appropriation of \$400,000 required by the constitution to be set apart toward the Sinking Fund for the extinguishment of the canal debt, and also for the additional interest of the loans, taken under the provision of the constitution, for the enlargement and completion of the canals. It will remain for you to provide the means to meet such deficiency. It may be proper to add, that the embarrassment in relation to the deficiency in the revenues of the canals does not arise from any inability on the part of the canals to pay the debt created for their construction, but from the limited period allowed them to do so by the constitution.

The constitution limits State loans to eighteen years; and has made appropriations out of the revenues upon that basis only. This limitation is altogether too small, and creates an annual charge upon the revenues beyond the ability of the canals to meet. It appears to me that an extension of the time for the ultimate

payment of the debt, and a diminution of the annual charges to correspond with such extension, would greatly relieve the revenues of the canals, lessen the charges and direct taxes upon the people, and enable the canals to do what they are competent to do—take care of themselves and pay all debts incurred in their construction.

An amendment of the constitution to accomplish such a purpose deserves your serious consideration.

There has been during the last fiscal year a diminution of \$248,074.08 in the current expenditures for collection, superintendence and repairs, as compared with the preceding year. This is an improvement in the right direction, and indicates a determination on the part of the disbursing officers to consult a wise economy in the expenditure of the public funds. The contract system for the repairs of the canals has proved so successful that the late Canal Board has wisely, under the direction of the last Legislature, directed and provided for its adoption upon all the completed sections of the enlarged and the lateral canals.

The work of enlarging and completing the canals is progressing with as much rapidity as practicable in view of the amount of the annual appropriations. The work has been let upon terms very advantageous to the State, and there is great cause for congratulation at the prospect of their speedy and economical completion.

The six per cent. loan of \$2,250,000, for enlargement purposes, issued during the last fiscal year, was taken at a premium of \$365,880.05. The premiums arising from this and the previous loans for the enlargement have been invested, as required by law and the spirit of the constitution, to accumulate for final appropriation towards the completion of the enlargement, and to supply, in part at least, any deficiency that may exist after the expenditure of the loans provided for in the late amendment of the constitution.

In the month of June a loan for \$1,500,000 was issued for the redemption of the canal revenue certificates, and taken at a premium of \$259,405. Since the close of the last and during the present fiscal year, a further enlargement loan of \$1,250,000 has been issued, at a premium of \$204,611.50.

A loan of \$4,500,000 issued upon the credit of the Sinking Fund, to pay \$4,000,000 of State stock falling due on the 1st day of January, 1856, and to meet deficiencies in the Sinking Fund under article 7 of the constitution, has been recently made, at only five per cent. interest, and a considerable premium realized thereon.

The facility with which the preceding loans have been made, and the large premiums received, show not only that the credit of the State is unimpaired, but that the prospect of the early completion of the canals has greatly strengthened it. For details in relation to the finances of the canals, the amount of work constructed thereon, and their present condition, you are particularly referred to the several reports of the Commissioners of the Canal Fund, of the Auditor of the Canal Department, of the State Engineer and Surveyor, and of the Canal Commissioners, which will be submitted at an early day.

There are now in active operation in this State, 3,216 miles of railroads, including double tracks. The whole amount expended in their construction and equipment exceeds one hundred and twenty-five millions of dollars. There have been transported on the several railroads in the State, during the past year, 33,839,164 passengers and 3,417,207 tons of freight. The total cost of operating these roads, was \$11,310,071.81, and their earnings amounted to \$20,843,385.73.

The large amount of capital invested in these corporations, the immense number of passengers conveyed, and the magnitude of the interests involved, early excited the attention of political economists and legislators. The necessity of wise laws regulating these interests, and a proper supervision of these great thoroughfares of the people, became a matter of serious consideration.

The Legislature, therefore, at its last session enacted a law creating a board of railroad commissioners, and defining their powers and duties. This board is composed of one person appointed by the Governor and Senate, one elected by the directors of the various railroad corporations, and the State Engineer and Surveyor, who is elected by the people. The board thus appointed insures in its composition the representation of all the railroad interests

in the State. Like the banking department, this board is maintained by the different corporations it is appointed to supervise, and does not impose any burdens upon the State.

The annual report of the commissioners will soon be laid before you, containing full details of the business of their department and much valuable information. I trust you will give such consideration to the recommendations and suggestions they will submit, as their importance demands.

For the details of the condition of the banks of the State I refer you to the annual report of the Superintendent of the Banking Department. From this it will appear that during the last fiscal year sixteen banking associations and six individual bankers have commenced business under the provisions of the general banking law, deposited securities and received circulation. Of such associations eight were organized by the shareholders of expiring Safety Fund banks under the provisions of chapter 313, of the Laws of 1849.

During the same period four banking associations, and five individual bankers have given notice of their intention to discontinue business, and have withdrawn a portion of their securities upon the surrender of an equal amount of their circulating notes.

The whole amount of circulating notes issued to banking associations and individual bankers, and outstanding on the 30th of September, 1855, was \$24,438,001, for the redemption of which there were then held by the Superintendent, securities as required by law, amounting to the sum of \$25,590,848. The amount of unreturned circulating notes, issued to banks incorporated by special acts, and whose charters have not expired, was, on the 30th day of September last, \$11,290,235. At the same date the aggregate amount of the outstanding circulation of banks incorporated by special act, whose charters had previously thereto expired was \$5,431,386.

On the 30th day of September, 1855, there was a balance of money in the treasury belonging to the Bank Fund of \$116,102.84; of contributions due from several expired Safety Fund Banks, \$9,125.77; and on bonds and mortgages held on account of the

fund, the sum of \$13,863.32, amounting in all to the sum of \$139,091.93, besides the balance of unavailable assets of the City Bank of Buffalo. The total amount of outstanding and unredeemed Bank Fund stock, issued on the credit of the Bank Fund, to meet the liabilities of the fund, on account of the debts of broken Safety Fund banks, was on the 30th of September last \$424,961.30; of which amount \$83,550 matures and is redeemable on the 1st day of February next, and will be promptly paid out of the cash in the treasury belonging to the fund.

If no failures occur in the existing Safety Fund banks it is anticipated that the fund, with the future contributions to be made to it, will be sufficient to meet all such stock thus charged upon the credit of the fund

The banks have uniformly preserved their faith to the public, and justly enjoy the increased confidence of the people. The high premiums on the stocks taken as a security for their circulating notes and a rigid scrutiny into mortgages when taken as a part of such security, serve, in a great measure, to check banking except as a legitimate business. Our banks, with few exceptions, are local institutions, confining their business, as the law contemplates, to their neighborhoods.

I should deprecate any attempt to introduce a more available class of securities as a basis for currency than those now received, fearing that with greater inducements, purely circulating banks would again spring into existence to the detriment of legitimate institutions, and to the peril of our free banking system and the danger of the public interests.

The frequent and sudden expansions and contractions of the currency in the city of New-York occasion serious embarrassment and onerous sacrifices. In this manner and in the absence of any adequate monetary necessity, the various business interests of our commercial metropolis are deranged and crippled. This evil is supposed to arise from the employment by banks of large means of most of their capital in "call loans" to brokers and capitalists, upon stock securities. This abstraction of banking facilities from commerce and manufactures, drives the merchant and mechanic

into "the street" where they are compelled to pay from one to two per cent a month for money, which the favored borrower obtains "on call," at the rate of six per cent per annum. It is suggested that a law restraining banks from making loans on the hypothecation of stocks beyond a reasonable percentage of their capital, would, by compelling these institutions to resume their legitimate functions, place banking facilities within the reach of industrial and producing classes, and thereby promote the general welfare.

The amount of school moneys apportioned by the Superintendent of Public Instruction for the current year is \$1,110,000, of which \$800,000 are derived from a general tax, \$165,000 from the income of the United States Deposit Fund, and \$145,000 from the income of the Common School Fund.

The amount reported as having been expended for the payment of teachers' wages for the year 1854 was \$2,301,411.25; for libraries, \$55,216.31; for school-house sites, school houses and fuel, \$863,990.53; total, \$3,220,618.08. The amount of money raised by tax in those districts where free schools are maintained, and the amounts raised by rate-bill, are not separately stated, but it is certain that the former considerably preponderate.

The number of school districts reported is 11,748. The number of children of suitable age to draw public money is 1,233,987. There have been 900,532 in attendance upon the district schools; in academies under the supervision of the Regents of the University, 38,734; in colored schools, 5,243, and 53,764 in unincorporated private schools; in all 998,273, leaving 225,854 not in attendance at any place of instruction, if we except the students in the several colleges.

The non-attendance may therefore be set down at one-fifth. It is likely, however, that if the age of six was substituted for four years, as the minimum period, this proportion would be greatly reduced.

The number of volumes in the district libraries is reported at 1,105,370.

The number of school houses is 11,028, of which 9,356 are framed buildings, 715 of brick, 576 of stone, and 381 of logs.

Defects in our public school policy, and the legislation necessary to remedy them, will demand your earnest attention. A modification, that shall secure greater economy of the public treasure and an extension of the system to *all the children of the State*, seems to me obviously necessary. Particular attention should be directed to the academies now deriving a revenue from the Literature Fund. I would suggest that a board of commissioners be appointed to visit them, examine their management, ascertain to what extent they have complied with the regulations prescribed by the Board of Regents, and report the results of the investigation to the Legislature at its next session.

I cannot regard our school system as complete until it shall extend free academical instruction to every child residing in the State desirous of its benefits.

This can be done by placing all the schools in each town under the control of a board of education, charged with the duty of general superintendence, of selecting suitable text and library books, supplying proper apparatus, grading the schools, and establishing in each town academical departments or high schools whenever a majority of the inhabitants shall deem it proper; or the boards of education in adjacent towns may combine to secure this result, where the territory is limited and the means of a single town are inadequate to the purpose. This policy would remove the objection which is now urged, that the masses have no direct interest in the welfare of institutions imparting academical instruction. The benefit of such instruction would be offered to all the children of the State.

In relation to the subject of supervision, I repeat the suggestions made in my former annual message. The existing method does not answer the purposes for which it was designed. The system of supervision established some fifteen years since, and which caused dissatisfaction in many localities, has been so far modified as to render it powerless to attain its end. In 1847 the Legislature abolished the office of county superintendent, at the instance of

many of the boards of supervisors. Of the wisdom of that step there are various opinions. It would, however, be inexpedient to attempt a revival of the office. The like abolition of the office of town superintendent, and the creation in its stead of boards of education, I doubt not would command the approval of the people and secure more satisfactory results in general supervision and economical administration. These boards of education should be required to report annually to the supervisors of their respective counties, and also to the Department of Public Instruction, the number and condition of the schools, the number of children residing in the towns, the number actually attending school, the salaries of the teachers, and other expenses incurred in the support of schools.

The present system of making annual reports seems to be very objectionable. The abstracts furnished for years past to the State Department of Public Instruction by the clerks of the several counties, have been incomplete and unreliable. The labor of making these reports, which is imposed upon the county clerk, is foreign to the regular duties of his office, and is often performed in a manner that indicates a great want of interest in it. Under such circumstances it is not possible for the State Superintendent to have correct statistics for the use of the Legislature. As an evidence of the inaccuracy of this information, I will state that the number of school-houses in the State returned to the Department of Public Instruction, greatly exceeds the number in the census returns in the office of the Secretary of State; and yet these incorrect returns form the basis upon which the apportionment is made of a third of the public moneys.

I would recommend that all payments from the School Fund, the United States Deposit Fund, the Literature Fund, and the annual State tax for school purposes, amounting in all to about \$1,110,000, be placed under the control of commissioners, to be called Commissioners of the School Funds, and to be composed of the State Superintendent of Public Instruction, the Comptroller and the Treasurer—that it be made subject in all cases to their order, to be paid only on draft by the supervisors or the Regents of the University, with the proper vouchers. This would insure

greater safety in the custody and employment of those moneys. Such a modification of the law, therefore, as would place the disbursement of the School Funds in the boards of supervisors, who are the proper custodians of the interests of the people in the towns, seems to me peculiarly desirable.

I would also suggest the expediency of making the schools of the State entirely free. Twice when this question has been submitted to the people, their verdict has been rendered by a large majority in favor of it.

There is evidently a growing repugnance to the rate-bill system, and it is now time that the subject of its final abolition was fully discussed. The imposition of an additional tax for the maintenance of public schools for a given time, not less than eight months, to be assessed upon the several towns in conformity with the recommendation of their respective boards of education, would supply all the means requisite for schools during each year. If, instead of school districts as now organized, it should be left discretionary with the educational officers of each town to establish schools whenever necessary in different localities in the town, it would be far easier to disburse the school moneys equitably than under the present arrangement, where districts are formed of different sizes, and with no general regulation as to population or available resources. This policy has been adopted in several States with decided advantage. The interminable controversies between school districts, the adjudication of which occupies so large a proportion of the attention of the State Superintendent, and which seem every year to become more numerous, more bitter, and more mischievous, would be obviated. A more equitable division of the school moneys, greater economy in their application, and the convenience of the public, would be effected.

It will devolve upon you to consider whether some changes in the instructional arrangements of the State Normal School may not be required. The introduction of a department to impart a knowledge of the principles of agriculture, would do much toward meeting the demand for instruction in that art which is the basis of all wealth and national greatness. Every considera-

tion of policy and economy requires that agriculture should be taught in our public schools. The establishment of a Professorship of Agriculture in the Normal School seems to me advisable. Its propriety is commended to your consideration.

It may be necessary to enquire whether the objects contemplated in founding that institution are fully carried out in its educational course, and particularly whether the pupils instructed are actually employed as teachers. The number of graduates exceeds eight hundred; and the Legislature ought to be informed how many of these are still engaged in that profession. It has been suggested that the expensiveness of living in a city deters many worthy young persons from entering the school; and that its removal to some other locality where that difficulty will be obviated, would tend to secure the bestowment of the bounty of the State to its legitimate purposes. In Massachusetts, where several normal schools are established and sustained by legislative appropriations, care has been taken to locate them at places where the means of living are not too expensive for the more indigent pupils. Whether any change in this respect should be made in our State, I submit to your consideration.

Since the State Library has been under the charge of the Regents of the University, large additions have been made to it, of great value and interest. The number of volumes has been increased from ten thousand to nearly forty thousand. A new catalogue is now in preparation and will be published during the present year.

The usual appropriation is, however, so limited, that after making the necessary purchases for the Law Department, the remainder falls much below the requirements for other objects. I commend this institution to your liberality.

Considerable improvement has been made in the management of the State Prisons during the past year. The number of convicts at the close of the year, compared with its beginning, shows a decrease of eighty-nine.

The total number in all the State Prisons on the 30th of November, 1855, was 1905, viz: At Sing-Sing, 937; Auburn, 687; and Clinton, 281.

The total expenditures of the three prisons for the year ending November 30, 1855, amount to \$233,343.24. The earnings for the same period amount to \$198,230.29. The expenditures have decreased \$36,305.57, and the earnings have increased \$11,959.01, compared with the preceding year.

at Sing-Sing the earnings were	-	-	-	-	\$90,904	71
do do expenditures were	-	-	-	-	116,704	81
at Auburn the earnings were	-	-	-	-	74,953	46
do do expenditures were	-	-	-	-	67,786	66
at Clinton the earnings were	-	-	-	-	32,372	18
do do expenditures were	-	-	-	-	48,851	77

In my last message I took pleasure in renewing the recommendation of my predecessor, that a portion of the earnings of the convicts in the State prisons, be laid aside as a provision for themselves after the expiration of their terms of punishment, or be devoted to the relief of the families of such as had families to support, during their confinement. Subsequent reflection and observation has confirmed my views of the humanity and the policy of that proposed amendment of our penal system. It would improve the discipline of the prisons, stimulate the labor of the convicts, and alleviate their condition upon their restoration to society. That it would be instrumental in removing the inducement to recently discharged convicts to commit crimes against property is apparent. I again urge upon your consideration this measure of humanity, justice and policy.

By the act of 1847 in relation to prisons, the county jails were placed under the supervision of the Inspectors, but a subsequent act relieved them of this duty, and the jails are now subject to no uniform system of management or inspection. It is alleged that much of the discipline of our State prisons is made necessary by the evil habits acquired by the convicts while awaiting trial in the county jails. I commend the subject to your action.

The experience of the past year has deepened my conviction of the necessity of some legal provision that shall relieve the Executive of a portion of the burden now devolved upon him by the

examination of appeals for pardon or commutation of punishment. These appeals have multiplied to an embarrassing extent, and the proper examination with the facts requisite to an understanding of their merits; and the correspondence and personal interviews, incident to each case, engross almost the entire time and attention of the Executive. I therefore repeat the suggestion contained in my former annual message, that greater discretionary power in the graduation of penalties be given to Judges, thus securing a more equitable administration of justice than can be obtained under the present arbitrary restrictions. Not a few of the appeals now made to Executive clemency are predicated upon the disproportion existing between the actual offence and the penalty—a difficulty which would be in a good degree remedied by the exercise of that judicial discrimination which I have suggested. Relief might also be had by the creation by law of an officer upon whom, in connection with the Executive, should devolve the duty of examining the cases presented for clemency.

The number of boys in the Western House of Refuge at Rochester at the commencement of the last year was 205. The present number is 277. During the summer, the number ranged from 270 to 290. The estimated value of their labor during the year is about \$10,000. The new wing, for the erection of which an appropriation was made during the legislative session of 1854, has been completed, furnished, and is now in use. It supplies dormitories for 150 boys in addition to those in the other two wings of the house, a school-room with class-rooms adjoining, and additional shop room in the basement. The expense of its erection, it is believed, will be covered by the appropriation made for that purpose. The institution now has accommodations for about 375 boys. Its condition and necessities will be more fully explained in the report of the managers, which will be laid before you. It will appear from that, that an appropriation of about \$10,000, to supply the deficiency of former appropriations, to meet current expenses, will be required to relieve the institution from embarrassment.

The House of Refuge in New-York continues to present its usual satisfactory results. The institution has been now for more than a year in occupation of the new premises erected for it on Randall's

land. The site is a beautiful and healthful one, and the buildings are well adapted to the purpose of their erection. A more thorough system of classification of juvenile offenders has been attempted, but cannot be accomplished until the completion of the buildings designed for the separate accommodation of girls. During the past year, the foundation of the house intended for females has been laid, and the building for their industrial occupations enclosed. The number of inmates of the refuge, it is estimated, will be five hundred and fifty during the winter. About four hundred of both sexes have been received since the first of January last, and three hundred have been indentured. The institution, as at present arranged, is nearly full; but the withdrawal of the girls, on the completion of the house designed for their accommodation, will afford additional room for at least three hundred. It will then be the largest, and, I trust, one of the best reform schools in the country. During the thirty years of the existence of this institution, about six thousand delinquents have received the benefits of its discipline. At least three-fourths of these, it is believed, have been permanently rescued from a vicious career. No further argument is needed to demonstrate the value of our houses of refuge, and the wisdom of the policy which established and sustains them.

It would be unworthy of a great Commonwealth to neglect to make adequate provision for the care of its insane. New-York has heretofore done her duty to humanity in this regard. But her population has increased without an increase of her provision to shelter and subject to discipline and treatment the deranged. One hundred and sixty-seven applications for admission to the Utica Asylum during the last year were made in vain. There was not room to receive them. In order to make places for recent cases, thirty-four inmates of the establishment, during that time, were discharged, not cured and not improved. Nearly one thousand insane persons are now confined in the different county poor-houses in our State. In too many of these the afflicted languish wretchedly, without the chance of a cure. In nearly all of them their treatment is simple imprisonment. Their helplessness and destructiveness make their confinement in most cases more painful than that of criminals. Generous and creditable as has been the provision made by New-York for her insane, it is manifestly

inadequate. I earnestly recommend to you to make provision for the construction of a new asylum.

The institution for the instruction of the deaf and dumb, deserves your favorable consideration. The present number of pupils is 289, of whom 218 are beneficiaries of the State. The funds obtained from the sale of the property previously acquired have been applied to the payment, in part, of the recently purchased premises, and for the construction of suitable buildings. The directors not being able to complete their improvements, an appropriation was made at the last session of the Legislature, upon the condition that no application should be made for further assistance. That appropriation proved to be inadequate. The directors will doubtless be controlled by the restriction which accompanied it, but it is worthy of your serious consideration whether a purely benevolent institution, incorporated and mainly supported by the State, and possessed of valuable property, in the title of which the State holds control, should remain in an embarrassed condition for want of means to accomplish the charitable object for which it was established.

The education of the blind has become a part of the policy of every civilized State. Its institution marked an era in the progress of humanity. New-York, for a quarter of a century, has been foremost in the discharge of her duty in this respect. The results of her labors are of the most practical and encouraging kind. One hundred and sixty pupils are now taught in the New-York Institution for the blind. These all receive a sound English education, such as is acquired in our public schools, and are trained in various mechanical arts, to give them the means of support. The more important of these are the manufacture of carpets, mats, mattresses, baskets, band-boxes, plain sewing, and piano tuning. The study and practice of music constitute a large part of course of instruction.

The graduates of the Institute are found in every part of the State, as mechanics, merchants, musicians, teachers and manufacturers. A number have found a demand for their services in kindred schools springing up in other States, and a few are retained at the Institute to serve as teachers.

During the past year the Institution has been remarkably exempt from sickness, and entirely so from mortality.

The Asylum for Idiots has, during the past year, been removed to the new building erected for its use near the city of Syracuse. This has been completed in general accordance with the plans submitted in the report of the trustees to the last Legislature, and is a commodious structure.

The number of pupils at present enjoying its benefits is 80. Applications for the admission of more are awaiting the action of the trustees, and will be decided so soon as the resources of the institution shall justify it. It appears, by the returns of the late census, that a large number of idiots, of a teachable age, are still unprovided with the means of education. A moderate annual increase, by the Legislature, of the income of the asylum, would enable its trustees to discharge the duties of humanity to these unfortunates.

The want of some responsible general supervision of the various benevolent institutions receiving aid from the State is seriously felt. A bill for this purpose was considered at the last session of the Legislature, but failed to become a law. I commend the subject to your attention.

The number of emigrants landed at the port of New-York during the year just closed, is 136,233. During the year 1854 the number was 319,223. This falling off has caused a corresponding reduction in the receipts of the Commissioners of Emigration. While, therefore, the Commissioners were burdened with the support of the sick and destitute arriving the preceding year, their diminished revenues during the last season has occasioned serious embarrassments. The length and severity of the winter of 1855, and the high prices paid for all the necessities of life, not only increased the number of emigrants requiring aid, but added largely to the expenses of the Commissioners.

The Commissioners within the past year have entered vigorously upon a system of economy and retrenchment. The inmates of their various institutions were largely reduced in numbers. The medical department was re-organized and further improvements are contemplated. The general superintendence was changed, and all supernumeraries were discharged. In these efficient reforms, as in their generous devotion to the laborious duties of their office, the Commissioners of emigration earn their only reward—the approbation of their fellow citizens.

The indebtedness of the Commissioners, from the causes stated, will probably require legislative relief. It should be remembered that the money to purchase the land on Ward's and Randall's Islands, to erect thereon expensive and noble structures, to maintain the inmates, and to return to the counties the sums expended for the support of emigrants, has all been derived from the emigrants themselves. Since the passage of the law creating the board of commissioners, our own citizens have been relieved from the burden of supporting sick and destitute emigrants. You will, I trust, be prepared to consider favorably such application as may be made for the temporary pecuniary relief of the board of emigrant commissioners.

Foreign emigration is an element of national prosperity, the importance of which we are not likely to over-estimate. The strangers come to us rich in what we most need, the ability and the disposition to labor. Their labor enters immediately into every department and branch of our industry. From England and France come artizans whose skill and experience enable us to compete successfully with the manufactories and workshops of the Old World. Northern Europe supplies us with thrifty and industrious tillers of the soil. Ireland sends us laborers, without whose bone and sinew our country would not now rejoice as it does in more canal navigation and more miles of railroad than have been constructed by any other nation. To emigration we are largely indebted for the early settlement, the rapid development, and the rising greatness of the western States. If our citizens realized

how directly their own individual prosperity springs from the manual labor of emigrants, or even reflected how indispensable are their services to our domestic comfort, they would be less solicitous to "pass laws to prevent the population of these States; to obstruct the laws for the naturalization of foreigners and to refuse to pass others to encourage their migration hither."

In pursuance of a law of the last Legislature, the Commissioners designated Castle Garden for the landing depot of all emigrants arriving at the port of New-York. Though encountering persevering opposition from classes of persons interested, for a series of years, in extortions and frauds alike oppressive and unjust to emigrants and discreditable to our State, the Commissioners, sustained by the city authorities and the courts are now working out, with eminent success, the beneficent objects contemplated. The garden affords ample, commodious and grateful shelter and protection to the tens of thousands of strangers heretofore cast upon the open wharves to be preyed upon by rapacious runners, bookers, and others, who were the more successful by reason of speaking the languages and claiming to be the countrymen and friends of the emigrants.

The different railroad and steamboat companies supply tickets to emigrants, within the garden, at their regular and published rates of fare. Information required either to guide or facilitate their course, or promote their interests, is furnished by the Commissioners or their employees. Such as are disappointed either in meeting friends or remittances, on their arrival, find a temporary home in the garden, or are assisted to their destination. The favorable location and peculiar advantages of Castle Garden have fortunately enabled the Commissioners to perfect their arrangements for the protection of emigrants. Its designation is justly regarded as a wise and enlarged measure of economy and humanity.

The prevalence of a fearful epidemic during the past summer and autumn, in the cities of Portsmouth and Norfolk, in Virginia, filled the public mind with sadness, and excited serious apprehensions that, in its progress, the scourge might reach our own com-

mercial emporium. Happily, these apprehensions were not realized; yet the opinion has been expressed by eminent medical authority that, with the approach of another summer, that disease will re-appear in more northern latitudes. Whatever value may be attached to this opinion, all will concur in the importance of vigilantly guarding the public health. If the authorities are not already clothed with powers adequate to this end, ample ones should be conferred. The public health should be subsidiary to no other interest, for on that all others are ultimately dependent. "The pecuniary loss sustained in a hundred years by quarantine restrictions upon commerce, could not equal the ruin and desolations of a single year of pestilence."

The expenses imposed upon commerce by a strict enforcement of our quarantine laws, are greatly enhanced by the dilapidated condition of the structures erected by the federal government upon the quarantine grounds.

These structures must be thoroughly repaired before they will be suitable for the storage of infected cargoes while under quarantine. The administration of the revenue laws of Congress, so as not to interfere with our quarantine regulations, cannot be secured unless these repairs are made. I therefore submit to your consideration the propriety of instructing our Senators, and requesting our Representatives in Congress, to procure an appropriation for this purpose.

The Legislature of 1853 granted a charter for an Agricultural College to be connected with an experimental farm. Applications will be made to you to aid the endowment of this institution with money from the public treasury. The great value to a State of intelligent agriculture, and the importance of improving our knowledge and practice of this most dignified art, with the aids of modern science applicable to it, induce me to recommend you to grant that application, and with liberal measure. The diminution of the cost of raising the food of the people of this State, and the increase of the productiveness of its farms, are considerations upon

which it is not necessary to dwell. Economical farming in New-York seems to require governmental aid in making a knowledge of chemistry, as applied to agriculture, cheaply accessible to all who till the soil. Arbitrary governments in Europe have by public instruction popularized this knowledge. Republican New-York surely can afford to do so.

The salt manufacture at Syracuse during the past year has been prosperous. The number of bushels inspected amounts to six millions, which is an increase of two hundred and fifty thousand bushels over the year 1854. New works are being added at the salines to meet the increasing demand for both coarse and fine salt, and it is confidently anticipated that the product of the coming year will reach nearly seven millions of bushels. The revenue which arises from the moderate duty of one cent per bushel on this amount, will be amply sufficient to support and extend the works belonging to the State at these springs.

The reports of the Adjutant General and Inspector General show a gratifying improvement in the spirit and discipline of the uniformed militia of the State. The law of 1847 has fully accomplished its objects of securing to the State the services of a small but effective military force, and relieving the great body of those liable to military duty from an indirect tax, which was the more burdensome because productive of no useful results.

I recommend, with the concurrence of the above-named officers and the Commissary General, the sale of the New-York arsenal, and the adjacent land belonging to the State. This property is situated between the fifth and sixth avenues, in the city of New-York, and embraces about ten acres, on which also is located a powder magazine. They form part of the new Central Park, and the sale will probably be required to enable the citizens of New-York to derive the advantages from the Park they are entitled to expect. The continuance of the arsenal there, and particularly the powder magazine, will stand in the way of necessary improvements. The Commissary General estimates that more than a quarter of a million of dollars would be realized from the sale, which

sum it is proposed to appropriate in part to the erection of an armory in the city of New-York, the purchase of the United States arsenal at Rome, the erection of an arsenal at Buffalo, and the improvement of the one at Albany, leaving, after such expenditure, about one hundred thousand dollars to be paid into the treasury. The arms in the possession of the 1st division will always be amply sufficient for the ordinary use and defence of the city of New-York, and the location of the balance of the State arms at Albany, Rome and Buffalo will lessen the expense of distribution, and also the time required therefor. It is, moreover, advisable that the Commissary General's office should be at Albany, now that all the arms and equipments used by the militia are owned and distributed by the State.

The criminal laws of our State need amendments and additions to suppress old abuses and meet new offences. The extension of the principle of association has led to frequent frauds in the organization of corporations. These offences should be summarily dealt with, particularly those of fraudulent companies to insure against loss by fire. They inflict wide-spread injury. New safeguards seem to be needed for the faithful administration of corporate trusts. Criminal pleadings could be simplified with great advantage to justice. The mischievous distinction between grand and petit larceny might profitably be abolished, and punishments for theft be graduated in all cases to the criminality of the offender. The right of peremptory challenge accorded to the prisoner on trial has been enlarged by construction to a hurtful limit. The people are without protection, by the right of challenge, against the introduction of the friends of criminals upon petit juries. An increasing inconvenience is experienced from the working of the rule which practically excludes from the panel to try for a crime, all persons who have read newspaper accounts of it. The laws regulating grand juries might be amended with advantage. In many cases their action, through the malice and falsehood of informers, is unjust and aggressive. The evidence upon which bills of indictment are found is frequently insufficient. A great injury is done to good government by the delay in bringing criminals to

trial, and the facility with which the postponement of criminal causes is effected. The evils I have summarily referred to, are worthy of the careful attention of the Legislature.

In the present constitution of our courts of law, the poor man is often practically debarred a hearing of his just claims, from his inability to pay the charges incident to their prosecution. As a remedy for this evil, I would suggest the establishment, in all of our cities, of courts of limited jurisdiction, to take cognizance of claims, ranging from one dollar to ten dollars; and, by the simplest and most economical processes, to hear and adjudicate the same, without charge to the parties.

With the increase of population and business in our State has come an increase of litigation. Although the judicial force was largely augmented by the new constitution, the courts, especially those in the commercial districts of the State, are burdened with accumulations of business which no amount of labor can dispatch. The creation of local tribunals in large cities has afforded some relief.

While the evil is acknowledged, the obvious remedy, and one which the constitution wisely contemplates, has not yet found favor with the Legislature. That is the establishment of courts of conciliation. The experience of other countries furnishes evidence of the beneficent workings of these tribunals. Through their instrumentality much hasty and needless litigation is arrested. Misapprehension of rights, and the conflict of interests among neighbors, by conciliating intervention, are amicably adjusted. Here, where courts are more resorted to than in any other country in the world, it is believed that the tribunals of conciliation would accomplish the reform so generally, and yet, hitherto, so unavailingly sought. I respectfully solicit your attention to the subject of their establishment.

The returns of the census show the following general results :

Total population of the State, 3,470,063; showing an increase since 1850 of 372,024; since 1845, 864,923.

Native voters, 516,745; Naturalized voters, 135,076. Aliens, 632,746; colored persons not taxed, 35,956; Indians, 3,945.

A report will be submitted to the Legislature, by the Secretary of State, embracing the details of the census necessary for the reorganization of the senate districts, and the new apportionment of the assembly, required by the third article of the constitution. The sixth article of that instrument also confers upon the present Legislature the discretion and authority to reorganize the judicial districts. In view of what I have elsewhere stated in relation to the accumulation of business in our courts, I recommend the creation of an additional judicial district of the supreme court. The recent enumeration shows that the city of New-York will be entitled to two additional justices of the supreme court. I recommend a law authorizing their election.

The Stockbridge tribe of Indians claims title to large tracts of land in several counties of our State. Suits have been brought to recover possession of some of these. Our government has always recognised the original title of the aborigines to the soil. In 1853 the Attorney General in a report made to the Assembly said: "It appears that the title of this tribe (the Stockbridge) to large tracts of land has never been extinguished." Justice alike to the red man and to the present occupants or claimants of these lands demands the speedy settlement of the question. I therefore deem it my duty to direct your attention to the subject and to suggest the adoption of measures to bring the controversy to an early and equitable adjustment.

The commissioners appointed under the act of the last Legislature, to prevent further encroachments upon the harbor of New-York, organized promptly, and have been diligently prosecuting their surveys, soundings and observations. An application made by the commissioners, through the Secretary of State, to the Presi-

dent, for the services of experienced United States civil engineers, was met in a spirit which evinced, on the part of the federal government, a just appreciation of the importance of the harbor of New-York to the commerce of the Union, and of the world. Distinguished officers, with the advantage of large experience in coast surveys, were immediately detailed for this duty. With the harbor commissioners they have been efficiently employed during the season. The results, though necessarily incomplete, will be submitted in a report to the Legislature.

It is deeply to be regretted that this subject had not attracted the attention of the Legislature at an earlier day, and before the channels of the two noble rivers that form the harbor whose tonnage exceeds that of any other port in the world, had been seriously narrowed by encroachments. Much, however, is now being done for the protection of the rapidly increasing commerce of the port of New-York.

The law authorising the appointment of harbor commissioners, while it defined their duties and fixed their compensation, by inadvertence, made no appropriation for their payment. This, while the commissioners have practised the most rigid economy in their expenditures, has occasioned inconvenience. I therefore ask the earliest attention of the Legislature to this defect in the law, that the commission may receive what is already due, and be enabled to prosecute its duties to a conclusion.

The act for the suppression of intemperance, pauperism and crime, passed by the last Legislature, in accordance with the clearly expressed demand of the people, went into operation on the fourth of July last. Notwithstanding it has been subjected to an opposition more persistent, unscrupulous and defiant, than is often incurred by an act of legislation; and though legal and magisterial influence, often acting unofficially and extra-judicially, have combined to render it inoperative, to forestall the decision of the courts, wrest the statute from its obvious meaning, and create a general distrust in, if not a hostility to, all legislative restrictions of the

traffic in intoxicating liquors, it has still, outside of our large cities, been generally obeyed. The influence is visible in a marked diminution of the evils which it sought to remedy. In the city of New-York, and others of our large towns, it has, through the connivance of magistrates, and executive officers, sworn to sustain the laws, been flagrantly disregarded, on the pretence principally of its unconstitutionality. The course pursued has indicated but little confidence on the part of those opposed to the law in the ultimate decision of the court, and still less, of a willingness to let the statute be tested by actual experiment. That some of the details of the prohibitory act are imperfect, and that some of its provisions are susceptible of a lax interpretation, is not to be denied. These defects do not, however, vitiate the main principle of the law, which seems to me to be entirely accordant with our constitution, and in harmony with the obligation which government owes to the people. My confidence in the power and duty of the Legislature to prohibit the traffic in intoxicating liquors, and in the good results which may be anticipated from such prohibition, is in no degree shaken.

But no further action on the subject is recommended, until the constitutional questions involved in the existing law shall have been adjudicated by the court of appeals.

What amendments, if any, may be needed to render the statute more EFFECTIVE for the suppression of "intemperance, pauperism and crime," and to guard against the neglect or malfeasance of those to whom its execution is entrusted, may be matters for your subsequent consideration.

In pursuance of a resolution of the last Legislature, I appointed two associate counsel, to act with the Attorney General, in the suit pending in the supreme court, between this State and the State of Virginia, known as "The Lemmon Slave Case." The case has been prepared and is noticed for the February term of the court, when it is expected it will be argued. As there is no provision made to meet the expenses on the part of this State, it will devolve upon you to make the necessary appropriation.

The people of our State have observed with painful interest the course of events resulting from the passage of the act of Congress, organizing the territories of Kansas and Nebraska. Those Territories comprise a very large portion of the region expressly shielded from slavery by the compromise of 1820. By virtue of that compact a most reluctant and partial consent was wrung from the representatives of the people of the Free States to the admission of Missouri into the Union as a slave State. That act so prejudicial to the fame and prosperity of the American people, and even of Missouri herself, was slowly and grudgingly acquiesced in by the North, under the conviction that the evil it involved was instant and irreparable, while the good it stipulated would be greater and more permanent, becoming more and more positive and obvious in coming years. But at the expiration of thirty years, after a large and valuable strip of country had been transferred quietly, if not elandestinely, from free soil to slaveholding Missouri, the favorable occasion presented by an unprecedented triumph of the slaveholding interest, was seized to press the repeal of the Missouri restriction, and consequently to open Kansas and Nebraska to slavery. No Congress that ever yet assembled, except that just dismissed and rebuked by the people of the free States, could have been induced to sanction this repeal; and it is believed that no other federal administration, but that now going out of power, could have been impelled to urge it. The opportunity was improved with desperate assiduity and energy, and the effort was too successful. All legal barriers to the establishment of slavery in Kansas and Nebraska were removed by Congress; removed, too, by the aid of votes from this and other non-slaveholding States. The assumption of unconstitutionality, which every earnest effort to restrain any great moral and social evil seems fated to encounter, was invoked to excuse the repudiation of a solemn contract by those who had secured all its advantages. And thus the Missouri Compromise, so long the theme of general and extravagant eulogium, was overthrown by the very interest which had proposed and constrained its adoption.

The consequences of this act of perfidy have thus far fully justified the apprehensions and fulfilled the predictions of the champions of freedom and public faith.

Nebraska, entrenched behind free States only, will probably be permitted to add another to their number without a serious contest. But Kansas, on the other hand, bordering on a populous portion of Missouri, fanatical in its devotion to slavery, and through which nearly all emigrants enter the new Territory, has, in some respects, become a subjugated province of that State. By Missourians its delegates to Congress have been chosen, and the semblance of its Legislature organized. That Legislature has appointed its county officers for a term of six years; and the same authority assumed to establish slavery on its soil, and to fortify it by most extraordinary inhibitions and penalties. And when its federal Governor called for military force to uphold these outrageous enactments, his orders were responded to, not by the inhabitants of Kansas, but by armed bands from Missouri. The sympathies of the North and West have been keenly alive to the menaced subjection by the rifle and the knife of the free soil citizens of the Territory gathered at Lawrence. Their calm courage and determined attitude rolled back this first demonstration of slavery to conquer freedom by force of arms. They are entitled to the respect and gratitude of all who love the republic.

The voice of New-York has repeatedly been heard in the assertion of the Jeffersonian policy of restricting slavery and extending freedom. I trust that it will be uttered again with an unanimity and an emphasis worthy of her history, her principles and her convictions.

Republican Government, Popular Education and Industry, guided and assisted by the Wisdom and Goodness which watch over the affairs of the Universe, have exceedingly prospered the people of New-York during the last year. The conditions of the continuance of the Divine favor are, just legislation, wise public economy, and the recognition by the State of the equality and

fraternity of its citizens, and of the republican destiny of the confederacy. Let us address ourselves to the discharge of the duties we owe to the commonwealth whose servants we are, in a spirit of humble dependance upon the Great Law-giver, and of fidelity to our responsible trusts.

MYRON H. CLARK.

ALBANY, *January* 16, 1856.

